

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DAMON JOHNSON,	:	Case No. 1:16-cv-503
Plaintiff,	:	
	:	Judge Timothy S. Black
vs.	:	
	:	Magistrate Judge Stephanie K.
MICHAEL DILLOW,	:	Bowman
Defendant.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 58) and
TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on January 4, 2019, submitted a Report and Recommendation recommending granting Defendant's motion for summary judgment and denying Plaintiff's motion for summary judgment. (Doc. 58). Plaintiff filed an objection ("Objection") (Doc. 60).¹

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does

¹ Plaintiff's Objection is not well-taken. The Objection's conclusory, unsupported assertions that Defendant's witnesses are lying is not sufficient to rebut the Magistrate Judge's correct conclusion that Plaintiff did not present sufficient evidence to create an issue of fact as to (1) whether Defendant's use of force was reasonable under the circumstances, (2) whether Defendant denied him proper medical treatment, or (3) whether he suffered a deprivation of a clearly established statutory or constitutional right.

determine that the Report and Recommendation should be and is hereby adopted in its entirety. Accordingly:

1. The Report and Recommendation (Doc. 58) is **ADOPTED**;
2. Plaintiff's Objection (Doc. 60) is **OVERRULED**;
3. Defendant's motion for summary judgment (Doc. 46) is **GRANTED**;
4. Plaintiff's motion for summary judgment (Doc. 50) is **DENIED**;
5. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: 2/28/19

s/ Timothy S. Black
Timothy S. Black
United States District Judge